

Translated from Spanish

Permanent Mission of Uruguay to the United Nations

Note No. 0076/18

The Permanent Mission of Uruguay to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith the action plan for the implementation of Security Council resolution 1540 (2004), which was prepared by the Government of the Eastern Republic of Uruguay.

The Permanent Mission of Uruguay to the United Nations takes this opportunity to convey to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) the renewed assurances of its highest consideration.

New York, 21 May 2018

Chair of the Security Council Committee
established pursuant to resolution 1540 (2004)
New York

Ministry of Foreign Affairs
General Directorate for Political Affairs

Action plan for the implementation of United Nations Security Council resolution 1540 (2004)

Position of Uruguay with regard to disarmament and the non-proliferation of weapons of mass destruction

As a non-nuclear-weapon State, Uruguay is committed to strengthening the disarmament and non-proliferation regime. Its adherence to the multilateral regulatory framework is complemented by its implementation of a foreign policy that emphasizes and promotes the need for continued progress in universal transparent negotiations aimed at achieving general and complete disarmament under a strict international regime.

This policy is reflected in its signing and ratification of a number of international instruments, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the International Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material, the Amendment to the Convention on the Physical Protection of Nuclear Material, the Comprehensive Nuclear-Test-Ban Treaty, the Chemical Weapons Convention, the Biological Weapons Convention and the 1925 Geneva Protocol.

On 20 September 2017 Uruguay signed the Treaty on the Prohibition of Nuclear Weapons, which is in the process of being ratified by the legislature.

The proliferation of nuclear, chemical and biological weapons and their means of delivery constitutes a threat to international peace and security. Uruguay therefore stresses the need for States to take all appropriate national measures, in accordance with their national authorities and legislation, and consistent with international law, to strengthen export controls, prevent proliferation financing and shipments, secure dual-use materials and control access to intangible transfers of technology and to information that could be used for the proliferation of weapons of mass destruction and their means of delivery.

Actions aimed at tackling the sources of financing of proliferation are essential to prevent this phenomenon. That is why it is necessary to strengthen collective efforts to prevent non-State actors from generating income from the sale of oil, seizures and “taxes”, money-laundering, smuggling and the plundering of the historical cultural heritage of humankind, among other activities.

There are grave concerns about the threat of terrorism and the risk that non-State actors may acquire, develop, traffic in or use nuclear, chemical or biological weapons and their means of delivery. The existence of such groups and their close relationship with weapons of mass destruction serves to further alert the international community to the dangers of the use of those weapons by non-State actors. That is why it is clear to Uruguay that urgent measures

must be taken, in accordance with the Charter of the United Nations, to ensure effective responses to threats to international peace and security created by non-State actors.

In order to counter the possibility that non-State actors are equipped with weapons of mass destruction and to combat proliferation of those weapons, Uruguay has promoted the establishment of nuclear-weapon-free zones throughout the world as an effective means of achieving the objective of the complete elimination of nuclear weapons, giving absolute priority to the maintenance of peace and security both regionally and internationally. The establishment of such zones and full compliance with the relevant treaties will ensure that zones are free of nuclear weapons and is an important nuclear disarmament measure.

In this regard, the Treaty of Tlatelolco was an important turning point as it was the first time that nuclear weapons were prohibited under international law. Although it is not explicitly mentioned in the text of the Treaty, in practice, the instrument establishes a nuclear-weapon-free zone in a densely populated territory, namely Latin America and the Caribbean. The Treaty has been recognized internationally as one of the greatest achievements in nuclear disarmament efforts.

The States parties to the Treaty of Tlatelolco have shown the international community that, by setting an example and by demonstrating commitment and leadership, it is possible to achieve a world without nuclear weapons. Accordingly, the Treaty has made and continues to make an essential contribution to international peace and security.

However, in order to control the proliferation of nuclear weapons, greater cooperation among States is needed to combat illicit trafficking by non-State actors in nuclear, chemical and biological weapons, their means of delivery and related materials, and States must improve coordination of efforts at the national, regional, subregional and international levels, as appropriate, in order to strengthen the global response to this serious threat.

Throughout its history, Uruguay has never received material for the construction of nuclear weapons nor has it ever acquired such weapons to ensure its survival as a State. Moreover, it shares the legitimate concern of the vast majority of the international community that effective measures are needed to protect against the possible use, or the threat of use, of these weapons, whether by States or by non-State actors.

This issue is complicated by the fact that modern terrorism has transcended national and regional borders and has become a global phenomenon. As a result, no State and no human being can be considered safe from it.

Uruguay is extremely concerned at the growing impact of terrorism at the global level. It firmly condemns all acts of terrorism and believes that the global response needs to be stepped up, in accordance with the purposes and principles of the Charter of the United Nations, international law and the promotion of human rights, in order to address this phenomenon.

In that regard, cooperation is essential to prevent, deter, halt and eliminate access to such weapons and their means of delivery by terrorist groups.

In conclusion, in order to achieve full implementation of resolution 1540 (2004), it is essential to enhance assistance and cooperation among States, between the 1540 Committee and States, and between the 1540 Committee and relevant international, regional and subregional organizations. Furthermore, Uruguay encourages the Security Council and all States to intensify efforts to promote the full implementation of resolution 1540 (2004).

Introduction of resolution 1540 (2004)

On 28 April 2004, the United Nations Security Council unanimously adopted resolution 1540 (2004), acting pursuant to Chapter VII of the Charter of the United Nations. In that resolution the Council affirms that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. The resolution obliges all States, inter alia, to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport or use nuclear, chemical or biological weapons and their means of delivery.

The resolution imposes binding obligations on all States to adopt legislative measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, and to establish appropriate domestic controls over related materials to prevent their illicit trafficking. It also encourages enhanced international cooperation in that regard.

In the resolution the Council also affirms its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of weapons of mass destruction and the importance for all States to implement them fully. It reiterates that none of the obligations set forth in resolution 1540 (2004) shall be interpreted so as to conflict with or alter the rights and obligations of State parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons.

Implementation of resolution 1540 (2004)

In resolution 1540 (2004) and its follow-up resolutions, the Security Council called upon all States to present a report (the “first report”) on the steps they have taken or intend to take to implement the resolution and to submit that report to the 1540 Committee. In that regard, Uruguay submitted its first report on 22 December 2004.

In addition, and in response to a note dated 31 August 2005 from the Security Council Committee established pursuant to resolution 1540 (2004) (the 1540 Committee), Uruguay sent a note on 7 November 2005 on the implementation of resolution 1540 (2004) transmitting an implementation matrix to the secretariat of the 1540 Committee. The most recent Uruguayan matrix approved by the Committee was the one sent on 23 December 2015.

Action plan for the implementation of resolution 1540 (2004)

In its resolution 1977 (2011), the Security Council encouraged States to prepare, on a voluntary basis, national implementation action plans mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004).

In that regard, by means of Decree No. 180/017 of 3 July 2017, Uruguay adopted a national counter-terrorism strategy and, by means of Decision No. 22/018 of 12 January 2018, it created a national counter-terrorism coordination centre, in keeping with the country's commitment to work effectively and comprehensively to combat the scourge of terrorism, and to update the relevant legislation.

To continue fulfilling that responsibility, and as part of the programme to implement resolution 1540 (2004) on the proliferation of weapons of mass destruction to non-State actors, in 2015, Uruguay expressed its interest in receiving the technical assistance offered by the Inter-American Committee against Terrorism of the Organization of American States to develop a national action plan for the implementation of that resolution. The programme is supported by the 1540 Committee's Group of Experts and the Office for Disarmament Affairs as strategic partners.

The Inter-American Committee and the 1540 Committee held a workshop in Uruguay on 18-19 April 2017 to assess the status of implementation of resolution 1540 (2004) by Uruguay and to engage with the institutions directly involved in implementation with a view to designing a preliminary action plan.

Work undertaken in the context of the visit of the experts from the Inter-American Committee and the 1540 Committee – preparation of the action plan

As part of the visit, and for the purpose of monitoring the implementation of resolution 1540 (2004), as well as the action plan, it was decided to create an inter-agency working group composed of the institutions involved in implementation in order to strengthen coordination among ministries and departments in the area of prevention, response and recovery from threats and incidents caused by chemical, biological, radiological or nuclear materials and to promote the exchange of information in criminal proceedings for the prosecution of crimes relating to the proliferation of weapons of mass destruction and their financing.

Gaps in the national legislation were identified in relation to paragraph 2 of the resolution, which establishes that “[...] all States shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them”.

With regard to legislative harmonization as part of the national strategy, Uruguay intends to establish an administrative system of sanctions to control the export, transport, transit and trans-shipment of dual-use goods, and to criminalize conduct related to the proliferation of weapons of mass destruction.

Notwithstanding the above, Uruguay adopted Law No. 19.205 on weapons and toxic chemicals. That law criminalizes the production, acquisition, development, transfer, import, export, trading in any capacity or use of any kind of chemical weapons, toxic chemicals or their precursors, contained in Schedules 1, 2 or 3 of the Chemical Weapons Convention.

In this regard, it was noted that work needs to begin on drafting similar legislation to that mentioned above with regard to nuclear and biological weapons.

With regard to the adoption and enforcement of effective measures to establish domestic controls to prevent the proliferation of weapons of mass destruction, and in accordance with paragraph 2 of the resolution, it was deemed necessary to draft legislation on the control of strategic trade. Resolution 1540 (2004) recognizes the utility of control lists as a key regulatory instrument that States should develop as soon as possible to ensure effective implementation of the resolution.

In that regard, the implementation of a control list of strategic goods will provide a basis for establishing robust export controls to prevent the proliferation of weapons of mass destruction. In addition, it will increase the visibility of commercial activities and enhance the capacities of customs officials and the police. Protocols need to be established for action in the areas of border security, the illegal trafficking in weapons of mass destruction and chemical, biological, radiological and nuclear materials, and the creation of criminal investigation teams and special tactical groups within the national police to ensure comprehensive risk management.

Moreover, and in order to comply with paragraph 3 (b) of the resolution, the national legislation will be examined with a view to developing appropriate effective measures for the physical protection of chemical, nuclear and biological materials. Once the legislation has been examined, work will begin on drafting legislation in the event that gaps in the relevant legislation are found.

In the area of customs, there is a need to facilitate the channels of communication with trade regulatory agencies, especially in countries producing and exporting dual-use material, and to strengthen the implementation of agreements with customs entities to improve methods and effectiveness in sharing information in order to obtain data in a timely manner to deepen risk analysis in the area of proliferation of weapons of mass destruction.

With regard to the counter-terrorism bill which is in the process of being approved by parliament and contains references to the financing of the proliferation of weapons of mass destruction, it was stressed that the provisions of that law must be harmonized with the national legal framework.

In Uruguay, the implementation of resolution 1540 (2004) is a process which has been led by the Ministry of Foreign Affairs with the support of the National Anti-Money-Laundering and Counter-Terrorist Financing Office and the other State agencies that are competent in this area. The national action plan was approved by the Anti-Money-Laundering and Counter-Terrorist Financing Coordinating Committee on 10 May 2018. The Coordinating Committee is chaired by the Deputy Secretary of the Office of the President and is composed of the National Secretary for the Fight against Money-Laundering and the Financing of Terrorism, the President of the Transparency and Public Ethics Board, the Manager of the Financial

Information and Analysis Unit and the undersecretaries of the Ministries of Defence, the Interior, Education and Culture, Economy and Finance, and Foreign Affairs.

The national action plan for the implementation of resolution 1540 (2004) prepared by the Eastern Republic of Uruguay is presented below.

Task	Action	Indicator	Entity responsible	Timeline
Create an inter-agency framework for the implementation of resolution 1540 (2004)	Establish an inter-agency working group comprising representatives of the relevant ministries of the executive branch, autonomous entities and decentralized services, as well as other relevant actors in the public and private spheres	Establishment of the working group	Ministry of Foreign Affairs	Within three months of the submission of the action plan
Identify aspects not covered by the national legislation with regard to the implementation of resolution 1540 (2004)	<p>On the basis of the assessment carried out, the inter-agency working group will revise the national regulatory framework to ensure compliance with the obligations set out in paragraph 2 of resolution 1540 (2004)</p> <p>Establish an administrative system of sanctions to control the export, transport, transit and trans-shipment of dual-use goods.</p>	Proposal of legislative reforms needed to fill any gaps	Inter-agency working group	<p>Within nine months of the submission of the action plan</p> <p>Within 12 months of the submission of the action plan</p>

Account for and ensure physical protection of materials	Assess whether materials are covered by the regulatory framework	Establishment of national regulations for the physical protection of nuclear and radioactive materials	Ministry of Industry, Energy and Mining; Ministry of Public Health	Within 18 months of the submission of the action plan
Transfer controls	Identify the relevant authorities to carry out a survey and analysis of potential strategic goods control lists	To submit a recommendation for the adoption of a control list and the possible development of legislation on transfer controls	Inter-agency working group	Within 24 months of the submission of the action plan
Financing of the proliferation of weapons of mass destruction	Explore the possibility of harmonizing national legislation on proliferation financing, after the adoption of the Counter-Terrorism Act	Harmonization of national legislation on proliferation	Inter-agency working group	Within 12 months of the adoption of the Counter-Terrorism Act
Dissemination and awareness-raising among academia and the private sector	Establish strategic partnerships among State institutions, civil society, the private sector and academia to implement resolution 1540 (2004) Organize seminars and conferences on resolution 1540 (2004) Establish a committee on relations with the private sector and academia.	Dissemination workshops and materials for distribution	Inter-agency working group	Within 24 months of the submission of the action plan

<p>Strengthen State capacities</p>	<p>Develop training programmes on:</p> <ul style="list-style-type: none"> - the identification and management of chemical, biological, radiological and nuclear substances for officials from the Ministry of National Defence, Ministry of the Interior, Ministry of Public Health and the National Customs Authority; -effective security measures at borders, ports and airports to include tactical exercises for comprehensive risk management; -training in techniques for police investigation and criminal prosecution of offences related to the proliferation of weapons of mass destruction linked to terrorist acts; -training in risk analysis techniques for the control of exports of dual-use goods and trends relating to the evasion of export controls 	<p>Establishment of protocols for action</p>	<p>Inter-agency working group with strategic partners:</p> <ul style="list-style-type: none"> Organization of American States Inter-American Committee against Terrorism 1540 Committee United Nations Office for Disarmament Affairs 	<p>Within 24 months of the submission of the action plan</p>
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Operational level	Develop protocols on border security and transport for the detection and prevention of illicit trafficking of weapons of mass destruction Protection of critical infrastructure against terrorist attacks caused by weapons of mass destruction and strengthening of special response groups.	Realization of these actions through the adoption of protocols for action	Inter-agency working group	Within 24 months of the submission of the action plan
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